

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-20417-CR-ALTONAGA

UNITED STATES OF AMERICA,

Plaintiff,
vs.

KENO REUBEN TEVERIS BURTON,

Defendant.
_____ /


ORDER

THIS CAUSE came before the Court for an evidentiary hearing on December 3, 2019, on Defendant's Motion to Suppress Items Seized [ECF No. 70]. As to the first and second issues raised by Defendant in his Motion (*see id.* 2–4), given the testimony and evidence presented, the undersigned agrees with the Government that law enforcement had reasonable suspicion to stop the car Defendant was operating on March 27, 2019 and probable cause to search it under the automobile exception (*see* Response [ECF No. 78] 6–10). Regarding the third issue briefed by the parties concerning law enforcement's search of Defendant's cellular telephone without a warrant (*see* Mot. 4; Resp. 11–13), at the conclusion of the hearing the Government conceded it would not seek to use as evidence at trial the photographs taken of text message conversations appearing on Defendant's phone. Last, the parties agree on the one issue left unresolved at the hearing: law enforcement had legal authority to conduct the traffic stop in the private parking lot adjacent to the strip mall. (*See* Gov't's Supp. Brief [ECF No. 99]; Def.'s Supp. Brief [ECF No. 100]). Consequently, it is

ORDERED AND ADJUDGED that Defendant's Motion to Suppress Items Seized [ECF No. 70] is **DENIED**.

CASE NO. 19-20417-CR-ALTONAGA

DONE AND ORDERED in Miami, Florida, this 6th day of December, 2019.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record